



PATENT

Case Docket No. ELITRA.011A

Date: September 26, 2002

Applicant : Haselbeck, et al.

Appl. No. : 09/815,242

Filed : March 21, 2001

For : IDENTIFICATION OF
ESSENTIAL GENES IN
PROKARYOTES

Examiner : Marjorie A. Moran

Art Unit : 1631

I hereby certify that this correspondence and all marked
attachments are being deposited with the United States
Postal Service as first class mail in an envelope addressed to:
United States Patent and Trademark Office, P.O. 2327,
Arlington, VA 22202, on

September 26, 2002

(Date)

Daniel Hart, Reg. No. 40,637

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TECH CENTER 1600/2900

UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith in the above-identified application:

- (X) Amendment, Petition and Fee to Add to Original Erroneously Not Named Inventors in Nonprovisional Application and Declaration (37 C.F.R. 1.48(a)).
- (X) A check in the amount of \$130 is enclosed.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Daniel Hart

Registration No. 40,637

Attorney of Record

Customer No. 20,995



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.) Group Art Unit 1631
Appl. No. : 09/815,242)
Filed : March 21, 2001)
For : IDENTIFICATION OF)
ESSENTIAL GENES IN)
PROKARYOTES)
Examiner : Marjorie A. Moran)

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OCT 04 2002

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#10
Plunkett
11/4/02

AMENDMENT, PETITION AND FEE TO ADD TO ORIGINAL ERRONEOUSLY NOT
NAMED INVENTORS IN NONPROVISIONAL APPLICATION AND DECLARATION (37
C.F.R. 1.48(a))

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

This Amendment and Petition is to correct the incorrect original naming of inventors in the declaration under 37 C.F.R. Section 1.48(a) as set forth and filed on October 31, 2001. Please note that the documents supporting this Amendment and Petition were mailed to the United States Patent and Trademark Office on September 25, 2002, but the present Amendment and Petition was inadvertently omitted. It was our intent that this Amendment and Petition, along with the supporting documents specified below, would be mailed together. Applicants respectfully request that the Examiner consider the documents mailed on September 25, 2002, together with this Amendment and Petition.

Addition of Inventors

Please add the following previously unnamed person as inventor of this application:

10/03/2002 TBESHAH1 00000003 09815242

R. ALLYN FORSYTH

01 FC:122

130.00 OP

Appl. No. : 09/815,242
Filed : March 21, 2001

Documents Mailed on September 25, 2002

The following documents were mailed on September 25, 2002:

1. A statement from the person being added as an inventor that the error in inventorship occurred without deceptive intent on his part.
2. A declaration by each of the actual inventors as required by 37 C.F.R. 1.63.
3. A written assent of the assignee.
4. Statement under 37 C.F.R. 3.73(b).
5. Preliminary Amendment and Sequence Submission Statement.
6. 2 copies of a CD-ROM containing a substitute Sequence Listing.


Fee Payment (37 C.F.R. Section 1.17(i) - \$130.00

A check in the amount of \$130.00 is enclosed. Please charge any additional fees, including any fees or credit overpayment to Deposit account No. 11-1410.

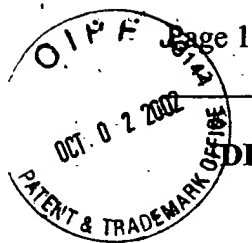
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Sept. 26, 2002

By: 
Daniel Hart
Registration No. 40,637
Attorney of Record
2040 Main Street
Fourteenth Floor
Newport Beach, CA 92660
(619) 235-8550

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COPY

Attorney's Docket No. ELITRA.011A

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DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **IDENTIFICATION OF ESSENTIAL GENES IN PROKARYOTES**; the specification of which was filed on **March 21, 2001** as Application Serial No. **09/815,242**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/191,078
Application No.: 60/206,848
Application No.: 60/207,727
Application No.: 60/242,578
Application No.: 60/253,625
Application No.: 60/257,931
Application No.: 60/269,308

Filing Date: March 21, 2000
Filing Date: May 23, 2000
Filing Date: May 26, 2000
Filing Date: October 23, 2000
Filing Date: November 27, 2000
Filing Date: December 22, 2000
Filing Date: February 16, 2001

POWER OF ATTORNEY: I hereby appoint the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, 14th Floor, Irvine, California 92614, Telephone (949) 760-0404, **Customer No. 20,995**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Robert Haselbeck**

Inventor's signature 

Date September 3, 2002

Residence: **4672 El Cerrito Drive, San Diego, CA 92115**

Citizenship: **United States**

Post Office Address: **4672 El Cerrito Drive, San Diego, CA 92115**

Full name of second inventor: **Kari L. Ohlsen**

Inventor's signature 

Date September 3, 2002

Residence: **3560 Vista de la Orilla, San Diego, CA 92117**

Citizenship: **United States**

Post Office Address: **3560 Vista de la Orilla, San Diego, CA 92117**

Full name of third inventor: **Judith W. Zyskind**

Inventor's signature 

Date 9/5/2002

Residence: **8415 La Jolla Scenic Drive, La Jolla, CA 92037**

Citizenship: **United States**

Post Office Address: **8415 La Jolla Scenic Drive, La Jolla, CA 92037**

Full name of fourth inventor: **Daniel Wall**

Inventor's signature Daniel Wall

Date 9/13/02

Residence: **3734 Brookshire Street, San Diego, CA 92111**

Citizenship: **United States**

Post Office Address: **3734 Brookshire Street, San Diego, CA 92111**

Full name of fifth inventor: **John D. Trawick**

Inventor's signature John D. Trawick

Date 3 September 2002

Residence: **7975 Michelle Drive, La Mesa, CA 91942**

Citizenship: **United States**

Post Office Address: **7975 Michelle Drive, La Mesa, CA 91942**

Full name of sixth inventor: **Grant J. Carr**

Inventor's signature Grant J. Carr

Date 09-03-2002

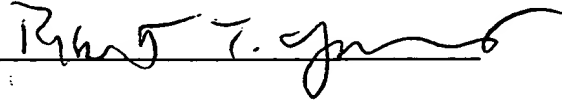
Residence: **2210 Sonrisa Glen, Escondido, CA 92029**

Citizenship: **United States**

Post Office Address: **2210 Sonrisa Glen, Escondido, CA 92029**

Full name of seventh inventor: **Robert T. Yamamoto**

Inventor's signature



Date

9/3/02

Residence: **3725 Notre Dame Avenue, San Diego, CA 92122**

Citizenship: **United States**

Post Office Address: **3725 Notre Dame Avenue, San Diego, CA 92122**

Full name of eighth inventor: **H. Howard Xu**

Inventor's signature



Date

9/3/02

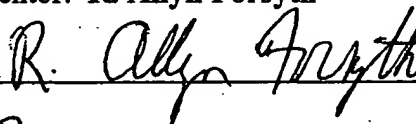
Residence: **14695 Penasquitos Drive, San Diego, CA 92129**

Citizenship: **United States**

Post Office Address: **14695 Penasquitos Drive, San Diego, CA 92129**

Full name of ninth inventor: **R. Allyn Forsyth**

Inventor's signature



Date

9/9/02

Residence: **1135 Beryl Street, San Diego, CA 92109**

Citizenship: **United States**

Post Office Address: **1135 Beryl Street, San Diego, CA 92109**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.) Group Art Unit 1631
Appl. No. : 09/815,242)
Filed : March 21, 2001)
For : IDENTIFICATION OF ESSENTIAL)
GENES IN PROKARYOTES)
Examiner : Marjorie A. Moran)

STATEMENT OF R. ALLYN FORSYTH UNDER 37 C.F.R. 1.48(a)

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

I, R. Allyn Forsyth, am an inventor of the subject matter claimed in the above-referenced patent application. The omission of my name as an inventor was an error that occurred without any deceptive intent on my part.

I declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Respectfully submitted,

Dated: 9/9/02

By: R. Allyn Forsyth
R. Allyn Forsyth



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Haselbeck, et al.)	Group Art Unit 1631
)	
Appl. No.	:	09/815,242)	
)	
Filed	:	March 21, 2001)	
)	
For	:	IDENTIFICATION OF)	
		ESSENTIAL GENES IN)	
		PROKARYOTES)	
)	
Examiner	:	Marjorie A. Moran)	

ASSENT OF ASSIGNEE TO ADDITION OF INVENTORS

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

Dear Sir:

ELITRA PHARMACEUTICALS, INC. is the assignee of the right, title and interest in and to the above-identified application, as shown by the assignment recorded at Reel 012290, Frame 0635. This Assignment has been reviewed by the undersigned, who certifies that, to the best of his or her knowledge and belief, title is in the assignee.

The above-named assignee hereby assents to the change of inventorship adding the previously unnamed person:

R. ALLYN FORSYTH

As an inventor of the invention disclosed in the above-referenced application, so that the inventors of the application will be:

Appl. No. : 07815,242
Filed : March 21, 2001

ROBERT HASELBECK

KARI L. OHLSEN

JUDITH W. ZYSKIND

DANIEL WALL

JOHN D. TRAWICK

GRANT J. CARR

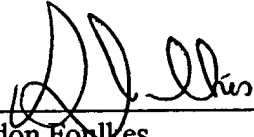
ROBERT T. YAMAMOTO

H. HOWARD XU

R. ALLYN FORSYTH

ELITRA PHARMACEUTICALS, INC.

Dated: Sept 16 2002

By: 

J. Gordon Foulkes
Executive Vice President
Research and Development
3510 Dunhill Street
Suite A
San Diego, CA 92121

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081202



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Haselbeck, et al.) Group Art Unit 1631
Appl. No. : 09/815,242)
Filed : March 21, 2001)
For : IDENTIFICATION OF ESSENTIAL)
GENES IN PROKARYOTES)
Examiner : Marjorie A. Moran)

STATEMENT UNDER 37 CRF 3.73(b)

The undersigned states that it is:

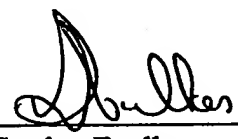
1. X the assignee of the entire right, title and interest; or
2. an assignee of an undivided part interest

in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. The original assignment is recorded at Reel 012290, Frame 0635. A copy of the assignment executed by R. Allyn Forsyth is enclosed herewith. These assignments represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

The undersigned is empowered to sign this statement on behalf of the assignee.

ELITRA PHARMACEUTICALS, INC.

Dated: Sept 16th 2002

By: 
J. Gordon Foulkes
Executive Vice President
Research and Development
3510 Dunhill Street
Suite A
San Diego, CA 92121

ASSIGNMENT

WHEREAS, I, R. Allyn Forsyth, a United States citizen, residing at 1135 Beryl Street, San Diego, California 92109, have jointly invented certain new and useful improvements in an IDENTIFICATION OF ESSENTIAL GENES IN PROKARYOTES for which an application for Letters Patent has been filed in the United States, Application No. 09/815,242, filed March 21, 2001;

AND WHEREAS, Elitra Pharmaceuticals, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 3510 Dunhill Street, Suite A, San Diego, California 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, one of the said inventors, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, my entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

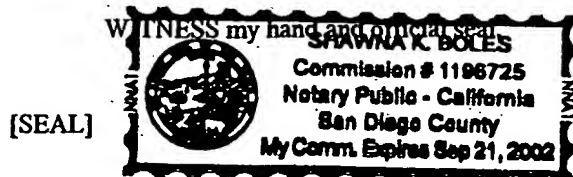
AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 9 day of August, 2002.

R. Allyn Forsyth
R. Allyn Forsyth

STATE OF California }
COUNTY OF San Diego } ss.

On Sept 9, 2002, before me, Shauna K. Bales, personally appeared R. Allyn Forsyth, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person, or the entity upon behalf of which the person acted, executed the instrument.



Shauna K. Bales
Notary Signature